

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WAYNE CHARLES and WAYNE CHARLES, II,

Plaintiffs,

-v-

LEE A. POLLOCK et al.,

Defendants.

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DATE FILED: <u>6/10/16</u>

15 Civ. 9758 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On April 29, 2016, pro se plaintiffs filed an Amended Complaint. Dkt. 39. On May 3 and May 4, defendants elected to rest on their previously filed motions to dismiss, and served letters to that effect on plaintiffs. Dkt. 40, 41. On May 12, 2016, the Court directed plaintiffs to file an opposition to the motions to dismiss by May 25, 2016. Dkt. 42. The Court advised that, if no opposition were filed by that date, the Court would consider the motions to be unopposed. On June 1, 2016, the Court, noting that no opposition had been filed, advised the parties that the motions to dismiss would be considered unopposed. Dkt. 44. The Court has since received letters from plaintiffs stating that they never received the May 12 order. Dkt. 45, 46.

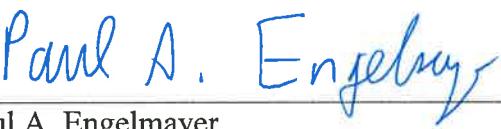
Unfortunately, although the Court directed the Clerk to serve a copy of the May 12 order on plaintiffs, it does not appear that service was executed. Therefore, in light of plaintiffs' pro se status, the Court extends the deadline for filing an opposition to June 22, 2016.

However, the Court is skeptical of plaintiffs' claimed confusion about their need to promptly oppose the motions to dismiss. Nothing in the previous history of this case authorized plaintiffs in assuming they would have more than three weeks to respond to the motions to

dismiss. Moreover, as defendants first filed the motions to dismiss over three months ago, the Court will not entertain further delays.

The Clerk of Court is respectfully directed to serve a copy of this order on plaintiffs at the addresses associated with this action, and to file proof of such service. Defendants are also directed to serve a copy of this order on plaintiffs at those addresses, to file proof of such service, and to serve copies of all future docket entries in this case in similar fashion.

SO ORDERED.

  
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Paul A. Engelmayer  
United States District Judge

Dated: June 10, 2016  
New York, New York